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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,130	11/16/2001	Mark H. Zellers	016901/0278117 DNT-007	5219

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EXAMINER

CHEA, PHILIP J

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,130

Applicant(s)

ZELLERS, MARK H.

Examiner

Philip J Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-13 have been examined.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephenson et al. (US 2002/0023143).

As per claim 1, Stephenson et al. disclose a method for communicating information between a public server and a private server, wherein the public server is unable to initiate communication with the private server and a communication device is able to communicate with the public server and the private server (see page 2, paragraph [0033], where private server is considered the recipient client and the public server is considered the sending client and communication device is considered server on the common network, and firewall implies the communication barrier that makes the public server unable to contact the private server), the method, as claimed, comprising:

- indirectly notifying, by way of the communication device, the private server to request the information from the public server (see page 2, paragraph [0033], where private server is considered the recipient client and the public server is considered the sending client and communication device is considered server on the common network).

As per claim 2, Stephenson et al. further disclose sending a first indication of availability of the information at the public server from the public server to the communication device (see page 9, paragraph [0140], where server buffers the incoming data implying a notification of data being sent).

As per claim 3, Stephenson et al. further disclose sending from the communication device to the private server a second indication of the existence of the information at the public server (see page 9, paragraph [0142], where private server is considered destination client).

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As per claim 4, Stephenson et al. further disclose the private server requesting the information from the public server to retrieve the information (see page 9, paragraph [0143], where requesting the information from the public server is implied because the destination client was able to receive the data from the source client via the server [502]).

As per claim 5, Stephenson et al. further disclose the private server requesting the information from the public server to retrieve the information (see page 9, paragraph [0143], where requesting the information from the public server is implied because the destination client was able to receive the data from the source client via the server [502]).

As per claim 6, Stephenson et al. further disclose sending from the private server to the communication device data based upon the information (see page 9, paragraph [0143], where destination client sends information to the server [503] if an error is detected upon receipt of the data).

As per claim 7, Stephenson et al. further disclose sending a request from the communication device to the public server causing information that needs to be reported to the private server to be generated (see page 9, paragraph [0141], where server sends a message to source client prior to sending the data to the destination client).

As per claim 8, Stephenson et al. further disclose sending an HTTP redirect message from the public server to the communication device (see page 9 [0141], where server response to POST indicates a receipt of an HTTP message).

As per claim 9, Stephenson et al. further disclose sending an HTTP request from the communication device to the private server to notify the private server that the information is available (see page 9, paragraph [0142], where HTTP is implied since client-to-server communications take place on port 80 and/or 8080 HTTP protocol (page 6, paragraph [0096])).

As per claims 10 and 13, Stephenson et al. disclose a method for communicating information between a public server and a private server, wherein the public server is unable to initiate communication with the private server, the method, as claimed, comprising:

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- indirectly notifying the private server to request the information from the public server by sending a first indication of existence of the information from the public server to a communication device that is able to communicate with the private server (see page 9, paragraph [0140], where server buffers the incoming data implying a notification of data being sent); and
- based on the receipt of the first indication from the public server, sending from the communication device to the private server a second indication indicative of the existence of the information at the public server (see page 9, paragraph [0142], where private server is considered destination client).

As per claim 11, Stephenson et al. disclose a method for facilitating a private server's requesting information from a public server, wherein the public server is unable to initiation communication with the private server, the method, as claimed, comprising:

- based upon receipt of a first indication indicative of availability of the information at the public server, generating at a communication device a second indication of availability of the information (see page 9, paragraph [0140] and [0142]).
- sending the second indication of availability to the private server (see page 9, paragraph [0142]).

As per claim 12, Stephenson et al. disclose a computer readable storage medium having thereon instructions which when executed result in the following steps being performed:

- accepting at a private server from a communication device a first indication indicative of availability of information at the public server that is unable to initiate communication with the private server (see page 9, paragraph [0142], where private server is considered destination client).
- requesting the information from the public server based on the acceptance of the first indication (see page 9, paragraph [0143], where requesting the information from the

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public server is implied because the destination client was able to receive the data from the source client via the server [502]).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Araujo, Kenneth S. et al.	US 20010047406 A1
Birrell; Andrew D. et al.	US 5805803 A
Bose, Subhra et al.	US 20020042830 A1
Green; Michael W. et al.	US 6003084 A
Gupta; Amit et al.	US 6567857 B1
Jade; Prashanth et al.	US 5944823 A
Kaufmann; Oliver	US 6453335 B1
MAHER, ROBERT DANIEL III et al.	WO 2004023263 A2
Perry, Stephen Hastings	US 20030154306 A1
Schoettger, Chad	US 20020069366 A1
TANNO, KAZUHIRA	US 20020004847 A1

HTTP Tunneling/Port 80 Cloaking <<http://www.dbbridge.com/dbovernet/httpunnel.htm>>.

Data Driven Attacks Using HTTP Tunneling <<http://www.securityfocus.com/infocus/1793>>.

httpunnel

<<http://web.archive.org/web/19991119001721/http://www.nocrew.org/software/httpunnel.html>>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

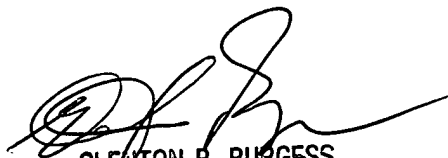
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
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PJC 12/29/04



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